THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.11774 of 2006

Dated: 15.06.2006

Between:

A.P.S.R.T.C. National Mazdoor Union, rep. by its Regional President, Ch. Sanyasi Raju, S/o Rama Raju, Visakhapatnam Region, Visakhapatnam.

.... PETITIONER

AND

APSRTC, rep. by its Depot Manager, Simhachalam,

Visakhapatnam District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.11774 of 2006

Order:

Questioning the action of respondent No.1-Depot Manager in effecting recovery of an amount of Rs.74,026/- from the salaries of 18 employees in pursuance of the office order dated 24.01.2006, during the pendency of industrial dispute before respondent No.2-Assistant Commissioner of Labour, the petitioner-Union filed the present writ petition.

There are about 590 employees working as Drivers, Conductors, Helpers etc., in respondent No.1-Depot. On 30.12.2005 a general show cause notice was issued to 18 employees alleging that because of their sudden absenteeism from duties from 04.12.2005 to 08.12.2005, the Corporation suffered loss of revenue to a tune of Rs.74,026/-, and called upon them to explain as to why the said amount should not

be recovered from their salaries. However, without considering their explanation properly, respondent No.1-Depot Manager, in an arbitrary manner, passed the final orders on 24.01.2006 proposing to recover the said amount from the salaries of the 18 employees at Rs.4,254.50 ps., each in 10 instalments. Aggrieved by the said orders, the petitioner-Union raised an industrial dispute before respondent No.2-Assistant Commissioner of Labour, Circle-I, Visakhapatnam, and respondent No.2, after conducting a joint meeting on 13.03.2005, initiated conciliation proceedings under the Industrial Disputes Act, 1947. The grievance of the petitioner-Union is that while the said conciliation proceedings are pending before respondent No.2, respondent No.1-Depot Manager is resorting to recover the said amount from the salaries of 18 employees. Hence, the present writ petition is filed.

Heard the learned counsel for the petitioner-Union and the learned Standing Counsel for the respondents-Corporation.

It is submitted by the learned counsel for the petitioner-Union that against the final orders dated 24.01.2006, the petitioner-Union raised an industrial dispute before respondent No.2-Assistant Commissioner of Labour, Visakhapatnam, and while the said conciliation proceedings are pending before him, respondent No.1-Depot Manager is resorting to recover the amount of Rs.74,026/- from the salaries of 18 employees, which is illegal and arbitrary. On the other hand, learned Standing Counsel for the respondents-Corporation submits that even if the matter is pending before respondent No.2, there is no bar placed on the respondents to recover the loss quantified from the salaries of 18 employees. I am unable to accept the said contention. When the petitioner-Union raised an industrial dispute against the orders dated 24.01.2006, and the same is pending consideration before respondent No.2, it is not proper on the part of respondent No.1-Depot Manager to effect recovery, without waiting for the disposal of the said conciliation proceedings,

Since the conciliation proceedings with respect to quantification of loss and recovery of the loss from the petitioners is pending adjudication before respondent No.2-Assistant Commissioner of Labour, I deem it appropriate to dispose of the writ petition with the following directions.

Respondent No.2-Assistant Commissioner of Labour, Circle-I, Visakhapatnam, is directed to dispose of the industrial dispute raised by the petitioner-Union, as expeditiously as possible, preferably within a period of three

months from the date of receipt of a copy of this order. Till such time, the respondent No.1-Depot Manager is directed not to recover any amount from the salaries of the 18 employees in pursuance of the final orders dated 24.01.2006.

With the above directions, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 15.06.2006

Note:

Issue CC in one week

(B/O)

Nsr/Ksr